

Interview Summary	Application No.	Applicant(s)	
	10/068,771	ELDERING ET AL.	
	Examiner	Art Unit	
	Son P. Huynh	2611	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Son P. Huynh. (3) Andrew Spicer.
 (2) Andrew Y. Koenig. (4) Charles Eldering.

Date of Interview: 16 November 2005.

Type: a) ☐ Telephonic b) ☐ Video Conference
 c) ☒ Personal [copy given to: 1) ☒ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: A presentation showing alternative ads (of similar content) being simultaneously displayed with another ad.

Claim(s) discussed: Proposed claims 194, 203 (see attached).

Identification of prior art discussed: US 2003/0088872 (Maissel already of record).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The applicant discussed the invention specifically with respect to displaying an alternative ad simultaneously with a targeted ads, wherein the targeted ad is fast-forwarded or skipped. Regarding proposed claim amendment 194, the examiner suggested claim language to facilitate overcoming the rejection of record pertaining to the simultaneous display of both the alternative and targeted ad. In the event that the amendment as discussed does not overcome the instant rejection, the examiner will notify the applicant in order to expedite prosecution. In addition, claim 203 (of the proposed amendment) was discussed along with the corresponding prior art of record .



FACSIMILE TRANSMISSION

To:	Son P. Huynh	From:	Andrew Spicer
Fax:	571-273-8300	Pages:	6 (including cover sheet)
Phone:	571-272-7295	Date:	November 15, 2005
Re:	Proposed Claim Amendments	CC:	

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

● Comments:

Dear Mr. Huynh:

Attached, please see the proposed claim amendments for Application No. 10/068,771.

Our interview is scheduled for 2:00pm, Wednesday, November 16, 2005.

I look forward to meeting with you tomorrow.

Sincerely,

Andrew Spicer

Application No. 10/068,771
Response to Office Action of July 14, 2005

PROPOSED CLAIM AMENDMENTS - 742-10

Please amend claim 194, 203 and 204 as follows:

1-193. (canceled)

194. (currently amended) A method of delivering targeted advertisements to a subscriber of a stored video system, the method comprising:

- (a) selecting a video from the system;
- (b) determining available advertisement opportunities associated with the selected video;
- (c) selecting one or more targeted advertisements desired to be displayed to the subscriber, wherein the selected targeted advertisements correspond to the available advertisement opportunities;
- (d) delivering the selected video and the targeted advertisements to the subscriber;
- (e) presenting the selected video and the targeted advertisements to the subscriber on a viewing device; and
- (f) presenting an alternative advertisement having content different than the targeted advertisements on the viewing device when the subscriber fast-forwards or skips one or more of the targeted advertisements, wherein the alternative advertisement is presented such that at least a portion of each targeted advertisement that is fast-forwarded or skipped remains visible to the subscriber.

*Perfectly
Promoting
"content different"
limitations &
positively
reciting the
simultaneous
display of
targeted ad &
alternative ad*

Application No. 10/068,771

Response to Office Action of July 14, 2005

195. (previously presented) The method of claim 194 wherein presentation of the alternative advertisement occurs during presentation of the targeted advertisements.

196. (previously presented) The method of claim 194 wherein the targeted advertisement is presented in a compressed manner during presentation of the alternative advertisement.

197. (previously presented) The method of claim 194 wherein the alternative advertisement is superimposed over the targeted advertisement.

198. (previously presented) The method of claim 194 wherein the alternative advertisement is a shortened version of the targeted advertisement.

199. (previously presented) The method of claim 194 wherein selection of the targeted advertisement is based on a subscriber profile.

200. (previously presented) The method of claim 199 wherein the subscriber profile defines traits associated with the subscriber, household demographics, traits associated with the selected video, or traits associated with previously selected videos.

201. (previously presented) The method of claim 194 wherein the alternative advertisement is not directly related to the targeted advertisement.

Application No. 10/068,771
Response to Office Action of July 14, 2005

202. (previously presented) The method of claim 194 wherein the alternative advertisement is derived from the targeted advertisement.

203. (currently amended) A method of delivering targeted advertisements to a subscriber of a stored video system, the method comprising:

(a) selecting a video from the system;

(b) determining available advertisement opportunities associated with the selected video;

(c) selecting one or more targeted advertisements desired to be displayed to the subscriber, wherein the selected targeted advertisements correspond to the available advertisement opportunities;

(d) delivering the selected video and the targeted advertisements to the subscriber; and

Disputed
(e) presenting the selected video and the targeted advertisements to the subscriber on a viewing device, wherein, when the subscriber fast-forwards or skips one or more of the targeted advertisements, a compressed version of each targeted advertisement that is fast-forwarded or skipped is presented in a compressed time period to the subscriber.

204. (currently amended) The method of claim 203 wherein step (e) includes presenting an alternative advertisement having content different than the targeted advertisement in conjunction with each targeted advertisement that is fast-forwarded or skipped.

Application No. 10/068,771

Response to Office Action of July 14, 2005

205. (previously presented) The method of claim 204 wherein the alternative advertisement is presented such that at least a portion of each targeted advertisement that is fast-forwarded or skipped remains visible to the subscriber.

206. (previously presented) The method of claim 204 wherein presentation of the alternative advertisement occurs during presentation of the targeted advertisements.

207. (previously presented) The method of claim 204 wherein the alternative advertisement is superimposed over the targeted advertisement.

208. (previously presented) The method of claim 204 wherein the alternative advertisement is a shortened version of the targeted advertisement.

209. (previously presented) The method of claim 204 wherein the alternative advertisement is not directly related to the targeted advertisement.

210. (previously presented) The method of claim 204 wherein the alternative advertisement is derived from the targeted advertisement

211. (previously presented) The method of claim 203 wherein the selection of the targeted advertisement is based on a subscriber profile.

Application No. 10/068,771

Response to Office Action of July 14, 2005

212. (previously presented) The method of claim 211 wherein the subscriber profile defines traits associated with the subscriber, household demographics, traits associated with the selected video, or traits associated with previously selected videos.